GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute.—Industrial Dispute between the workmen and the management of Bharth Earth Movers Ltd., Bangalore.

Award of the Presiding Officer, Additional Industrial Tribunal, Bangalore, published.

Read the following Papers:

(1) Letter No. AIT 804—74-75, dated 31st March 1975, from Shri G. S. Bhagwat, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE PRESIDING OFFICER, ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated this 31st day of March 1975

Present

Shri G. S. Bhagwat, B.A., LL.B.,

Presiding Officer.

A.I.D. 12 of 1966

I Party—

Workmen of Bharat Earth Movers Ltd. by the General Secretary, Bharat Earth Movers Employees' Association, Bangalore-17.

II Party—

The Management of Bharat Earth Movers Ltd., Hindustan Aircraft Post, Bangalore-17.

Appearances:

For the I Party.—Sri A. Nagesha Rao, Advocate, Bangalore.

For the II Party.—Sri S. G. Sundarswamy, Advocate Bangalore.

AWARD

The then Government of Mysore now Karnatak being of opinion that an industrial dispute existed between the workmen and the management of Bharat Earth Movers Ltd., H.A.L. post, Bangalore-17, with regard to the applicability of the provisions for the Payment of Bonus Act and extension of benefits of the said Act to the workmen as Profit Sharing Bonus for each one of the years ending March, 1963, 1964 and 1965 in accordance with the Payment of Bonus Act, 1965, referred the said dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947, by their Order No. LMA 139 LLD 66, dated 7th April 1966 to the Industrial Tribunal, Bangalore and later the Government in their Order No. G.O. No. LMA 595 LLE 66, dated 29th November 1966, transferred the above dispute under Section 33 (b) of the Industrial Disputes Act to the Additional Industrial Tribunal, Bangalore for adjudication. This was numbered as I.D. No. 99/66 on the file of the Industrial Tribunal, Bangalore and after it was transferred, the same came to be numbered as A.I.D. No. 12/66.

2. The workmen filed their statement and the Management of Bharat Earth Movers Ltd., Bangalore contested the claim of their workmen and it filed its counter statement. The I party workmen also filed their reply. Upon the pleadings my learned predecessor framed as many as 12 issues in addition to the points of dspute referred in the aforesaid reference. The parties let in oral as well as documentary evidence. My learned predecessor passed common Award in A.I.D. 11, A.I.D. 12 and A.I.D.21/66 on the file of this Tribunal on 2nd August 1971, which was published in *Mysore Gazette* dated 26th August 1971, by which the Tribunal awarded Payment of Bonus under the provisions of the Payment of Bonus Act to the workmen of the II party *i.e.*, the management of Bharat Earth Movers Ltd., Bangalore-17. The II Party and the Hindustan Aeronautics Ltd., Bangalore-1 filed 2 writ petitions in W.P. 2384/71 and W.P. 2385/71 against the common Award in A.I.D. 11, A.I.D. 12 and A.I.D. 21/

66 on the file of this Tribunal. These two writ petitions were allowed and the Hon'ble High Court of Karnataka in their Order, dated 13th June 1974 set aside the common Award passed by this Tribunal in A.I.D. 11, A.I.D. 12 and A.I.D. 21/66 and remanded the case back to this Tribunal for fresh consideration and disposal, in the light of the evidence already recorded and the evidence to be adduced hereafter in accordance with law.

3. On receipt of the records from the High Court of Karnataka after remand, notices were issued to both the parties and they appeared through their representatives and took adjournment. On 27th March 1975 when the case came up for hearing, on behalf of the I party workmen a memo was filed to the effect that the workmen of the I party do not press the above reference without prejudice to their rights in I.D. No. 32/72 and 25/75 on the file of the Industrial Tribunal, Bangalore.

Shri Shivaprasad, Secretary of the II party present, has no objection for disposing of the above reference since the same is not being pressed. After hearing on both sides and being satisfied of the *bona fides* of the memo filed on behalf of the I party workmen, the same was recorded.

4. Heard on both sides and it was fairly conceded on both sides and more particularly on behalf of the I party that the workmen of the I party do not press their demand under reference without prejudice to their rights in I.D. No. 32/72 and I.D. 25/75 on the file of the Industrial Tribunal, Bangalore. The II party management has also no objection to dispose of the above reference in the manner desired by the workmen of the I party.

In this view of the matter it is unnecessary to refer to all the facts involved in this reference, because this reference can be disposed off as the same is not being pressed by the I party.

In the result the above reference is rejected, the same being not pressed by the workmen of the I party, who initiated the reference.

No Order as to costs.

Dictated to the Stenographer, transcribed by him and corrected by me.

G. S. BHAGWAT,
Presidisg Officer,
Additional Industrial Tribunal,
Bangalore.

'Copy'

G. S. BAGWAT
Presiding Officer,
Additional Industrial Tribunal, Bangalore.

Order No. SWL 92 LLA 75,

Bangalore, dated the 15th April 1975

S. O 1179.—

WHEREAS by State Government Order No. LMA 139 LLD 66, dated 7th April 1966, the Industrial Dispute between the workmen and the management of Bharath Earth Movers Ltd., Bangalore, was referred to the Additional Industrial Tribunal, Bangalore, for adjudication.

AND WHEREAS the Additional Industrial Tribunal Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka

K. MYLARAPPA,
Under Secretary to Government.
Social Welfare and Labour Department.